



## The Use of Weapons of Mass Destruction in the War Against Rebels from the Point of View of Jurisprudence

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### **Abstract**

The use of weapons of mass destruction in the war against internal rebels is the problem of this research, the main question of the research is "What is the view of Islamic jurisprudence about the use of these types of weapons in the war of rebels?" This research, Baroosh Ijtihadi, argumentative and analytical has given an answer to this question based on which it can be said that from the point of view of Islamic jurisprudence, the use of weapons of mass destruction (such as nuclear, microwave, chemical weapons) is due to the sanctity of corruption, extravagance in killing, harm and the principles of saving life. Clouds and other creatures of the world and environment, even in case of emergency and reciprocation, are forbidden against rebels. Of course, the point of view that considers its use in case of emergency and similar confrontation is possible and is incompatible with the principles and foundations of Islamic Jihad. Therefore, from the point of view of jurisprudence, it is forbidden to use weapons of mass destruction in the war of internal rebels.

**Keywords:** *Rebels and Rebels; Ruling; Jurisprudence; Weapons of Mass Destruction; Islamic Ruler and Imam*

### **Introduction**

Although the history of the rebellion debate goes back to the formation of the divine government and the great prophets, the debate on the use of weapons of mass destruction against the rebels does not have much history in Islamic jurisprudence. On the other hand, so far no independent research has been done regarding the use of these types of weapons against the rebels. Because the issue of using nuclear weapons against internal rebels is a very challenging and important issue in the field of Islamic jurisprudence. Therefore, in this article, the author has examined and analyzed the use of weapons of mass destruction in the war against the rebels. At the same time, the Holy Quran has explicitly allowed the defense of Islam, life, property and honor against internal aggressors

«وَأَنْ طَائِفَتَانِ مِنَ الْمُؤْمِنِينَ اقْتَتَلُوا فَأَصْلَحُوا بَيْنَهُمَا فَإِنْ بَغَتْ أَحَدِيهِمَا عَلَى الْأُخْرَى فَقَاتِلُوا الَّتِي تَبْغِي حَتَّى تَفِيءَ إِلَى أَمْرِ اللَّهِ؛

Whenever two groups of believers quarrel and fight, establish peace between them, and if one of them violates the other, fight with the unjust group until it returns to God's command (Hujrat, verse 9)" But a fundamental question that now It can be proposed, is the right to choose and use weapons in the war against the rebels absolute? So, in this assumption, you can use all your methods, war tools and military power against any kind of aggression of internal opponents under the pretext of defending your survival! While today, nuclear weapons are the last military achievement of mankind in the field of strategic weapons, and the effects of its use cannot be compared with the weapons of mass destruction of the beginning of Islam (such as catapults, sending water and fire) and tactical weapons of the present era. Because these world-burning weapons are uncontrollable and effective in defense, and their use in the war against the rebels will destroy the lives of the fighters, the lives of other human, animal and plant classes, human civilization and the entire ecosystem. However, can the Islamic State use it against the internal opposition and rebels in the acute situation of legitimate defense, emergency and in the position of reciprocation? This article aims to give a documented answer to the above question from the point of view of Islamic jurisprudence.

### The First Topic: Concepts

The word "Baghi", one of the terms of the familiar Quranic name, and its infinitive idiom comes from the root "Baghi Yabghi Baghiya", which means trespassing, trespassing, cruelty, envy and lying (Farohidi, 1409, vol. 1, p. 412; Fayoumi). , 1405, p. 145.) In the Qur'an, it also has a familiar meaning and it means transgressing other limits in the personal, social and political spheres:

«فَإِنْ بَغْتُمْ عَلَىٰ الْأَخْرَىٰ فَقَاتِلُوا الَّتِي تَبْغِي حَتَّىٰ تَفِيءَ إِلَىٰ أَمْرِ اللَّهِ»

(Hujrat, verse 9)" Therefore, the use of Baghi is used in the above verse, which means that this word is also used in the political and social spheres in addition to individual spheres, and in the era of the Caliphate of Amir al-Mu'minan (peace be upon him) and after that, the series of political events that happened in the Islamic world, it turned this word into a political term, and at that time, this word in its special political meaning; It means that rebellion has been used against the legitimate ruler of Islamic society:

(وَأَحْنُكُمْ عَلَىٰ جِهَادِ أَهْلِ الْبُغْيِ؛

Nahj al-Balagha, Khutbah 97.). In the term, some jurists of the Islamic world consider rebellion against the Infallible Imam (peace be upon him) and believe that anyone who goes against the Infallible Imam (peace be upon him) is a rebel and it is obligatory to deal with him armed, in order to obey the Infallible Imam (peace be upon him). return or be killed like the infidels (Shahid I, 1411, vol. 2, p. 407; Tabatabaei, 1418, vol. 8, p. 23; Khoei, 1410, vol. 1, p. 389; Vahid Khorasani, 1428, vol. 2, p. 439; Tabrizi, 1426, vol. 1, p. 401 .) Another group of jurists consider the concept of baghi to be a rebellion against Imam Adel, and according to them, a rebel is someone who goes out and commits an armed rebellion against Imam Adel (Najafi, 1404, vol. 21, p. 322; Allameh Hali, 1412, vol. 15, 176 Sheikh Tusi, 1406, p. 315; Al-Tusi, 1408, p. 386; Shahid Thani, 1405, p. 263; Rouhani, 1379, p. 107; Fazel Hindi, 1363, p. 28; Behbahani, 1424, p. 42 If they make an armed rebellion against Imam Masoom (peace be upon him), this action will be considered a rebellion and they are rebels. However, those who carry out an armed rebellion against the Islamic ruler during the Age of Absence are not considered rebels. Because in the definition of Baghi, the condition of the infallible Imam (peace be upon him) is taken and none of the rulers of the age of occultation are infallible. Therefore, armed rebellion against such rulers does not have the rules of sedition. But according to the second approach, a Baghi is someone who opposes the order of the just leader in the political and governmental affairs, and disobeys him. Therefore, the scope of this definition is more than the first point of view and it includes all those who show their defiance by armed rebellion against the just and legitimate ruler.

Sunni jurists have also regarded *baghi* as the meaning of departure from, or on the authority of Imam Haq without Haq (Haskafi, 1423, vol. 1, p. 351; Fanari, 1427, vol. 1, p. 341; Ibn Najim, 1418, vol. 5, p. 151; Ibn Abedin, 1412, vol. 261; Kasani, vol. 7, p. 140; Ze'ali, vol. 3, p. 293; but *Baghi* is the one who disagrees. The Imam is just and disobedient to him (Navi, 1412, vol., p. 50). However, the Sunni jurists also considered rebellion as a practical act and armed rebellion against the Islamic government, not leaving the government. Because the document of *Fariqin* in this debate is the political life of Amir Momenan (peace be upon him).

Therefore, Sunni jurists' perception of *Baghi* cannot be far from the perception of Shia jurists.

The word "judgment" in the dictionary means judging justice, knowledge and wisdom (Ragheb Esfahani, 1416, p. 126). In the term, it refers to the law and the dos and don'ts that have been forged by God (Sadr, 1406, p. 63.)

The word "*fiqh*" is also known in the word as understanding, which means a special type of understanding, perception and knowledge (Ibn Manzoor, 1414, vol. 13, p. 522; Raghib Esfahani, 1416, jurisprudence article.) In the term of this word, It has had various uses in different historical periods; Jurisprudence is used in the Qur'an in the sense of insight and accurate understanding (Toba 122.) In narrations (Majlesi, 1410, vol. 1, p. 210; Makarem Shirazi, 2010, vol. 1, p. 21.) it also means insight and the group of religion - not especially the sub-rules. - It has been used that in the first period of Islamic history, jurisprudence was popular and used in the sense of religious teachings (Allameh Tabatabai, 1363, Vol. 9, p. 404; Mohagheg Karki, 1408, Vol. 1, p. 5). Another use of this term is knowledge. It is subordinate to Sharia rulings (Shaheed Sani, 1422, p. 34; Najafi, 1420, vol. 1, p. 52; Makarem Shirazi, 2010, vol. 1, p. 18.) but the common meaning of jurisprudence, its application is in the sense of a special scientific discipline: "*Fiqh*, the science of Sharia rulings are detailed based on evidence" (Shaheed I, 1419, vol. 1, p. 40; Makarem Shirazi, 1390, vol. 1, p. 22.)

"Weapons of mass destruction" in English equivalent (mass destruction & massacre weapons) is. The term "weapons of mass destruction" was used for the first time in 1948 in one of the documents of the Classic Weapons Commission, weapons of mass destruction include (atomic, bacteriological and chemical weapons) (Mommataz, 1377, p. 12). In the literature of disarmament rights, this term is synonymous It is an unconventional weapon (Saed, 2016, p. 43). This type of weapon has a high destructive power, and is used to destroy large targets, and it has harmful effects, in which it is not possible to separate military and non-military targets. , 1390, p. 12.)

The word "ruler" is the active noun from the article "ruling" in the word meaning judge, arbiter, ruler, executor of the judgment and administrator of a province on behalf of the central government (Tarihi, Majma Al-Bahrain, vol. 5, p. 146.) In the term "ruler", Or the ruler of Sharia is said to be someone who is appointed by God to organize the affairs of the servants and to supervise the society, in the realm of authority and authority delegated by God. that during the presence of the infallible Imam (peace be upon him) and in the era of his absence, the real example of the ruler of Sharia is the "*faqih Jame al-Sharai't*" (Bahrani, [Bi Ta.], Vol. 10, p. 58 and Vol. 13, p. 261.) Therefore, there is no difference in the meaning It belongs to the ruler of the imam if there is one, but if not, in the era of the absence of the jurist, the conditions of the fatwa are the governing conditions (Tabatabaei, 1418, vol. 9, p. 509; Mohagheg Karki, 1408, vol. 11, p. 266; Shahid Thani, 1413, vol. 4, p. 162).

The word "Imam" is also in the lexical dialect from the article "Umm" and the Imam is the person whom people follow and he is the leader of the people and the group of them is Imams (Mustafavi, 1368, vol. 1, article Umm; Johari, 1407, vol. 5) , p. 1865.) In the terminology, the word "Imam" has a special meaning and the person who is in charge of the general leadership in the religious and worldly affairs of the society on behalf of the Messenger of Islam<sup>9</sup> is called Imam (Taftazani, 1409, vol. 5, p. 234; Iji, 1412 , vol. 8, p. 345; Sheikh Mofid, 1414, vol. 1, p. 39.) Therefore, the meaning of "Imam" here is someone

who is in charge of leading a group of human beings. In the Age of Absence, this word can be applied to the comprehensive jurist, and the jurist has all the powers mentioned for the Imam.

## The Second Issue: The Use of Weapons of Mass Destruction in the Rebel War

If a rebellion is realized and the conditions for a military confrontation with the rebels of the Islamic ruler are available, is it permissible to use weapons of mass destruction against them under the assumption of emergency and countermeasures? In response, it should be said that there are two theories in this regard; First, the theory of permissibility will be examined.

### A: The Theory of Permission

#### 1. Order of Application

Although, due to the newness of nuclear weapons, there is no specification regarding the use of these types of weapons against the rebels in the old jurisprudence texts. But since Islamic jurisprudence is in charge of investigating new issues in the Islamic world. It is possible to get the ruling for the use of these types of weapons in the war of internal rebels. Because many jurists of the Islamic world are like this about the use of weapons of war of the past era, which are now among the conventional weapons; The use of catapults, the sending of water, fire and poison, which were available in the era of Sharia, have commented against the infidels and the people of Baghi. Of course, except for the poison, most of the former weapons had the ability to distinguish between military and civilian targets. Therefore, some jurists of the Islamic world have acknowledged the spread of the rules of using weapons of the past era (basan, catapult, sending water and fire) against the rebels in some situations. However, regarding the use of nuclear weapons, among the Shiite jurists, we do not know anyone who would be able to win over the rebels using conventional weapons in a normal state of war. believe that it is permissible to use it. Because it is not reasonable to use nuclear weapons in a situation where you can manage to win the war using conventional weapons and defeat the rebels. Because in normal conditions and at the beginning of the war, the jurists have considered even the use of weapons of mass destruction against the rebels of the previous era, some of which are not used for mass destruction, such as catapults, sending water and fire in the war against the rebels as haram (Allameh Hali, 1420, vol.2) , p. 232; *ibid.*, 1412, p. 190; Sheikh Tusi, 1387, p. 7, p. . Because its use, in the normal state of war and in a situation where the rebels have not yet used it, by the forces of the People of Justice, is forbidden due to aggression and transgression, and the Qur'an says:

«وَقَاتِلُوا فِي سَبِيلِ اللَّهِ الَّذِينَ يُقَاتِلُونَكُمْ وَلَا تَعْتَدُوا إِنَّ اللَّهَ لَا يُحِبُّ الْمُعْتَدِينَ؛

And fight in the way of God with those who fight with you, and do not trespass [during war on the divine boundaries], for God does not like transgressors (Al-Baqarah, verse 190)" since the initial use of nuclear weapons in the war of the rebels led to It becomes a widespread killing and destruction of the environment, so its use is a clear example of negative aggression and transgression in the verse.

But in the case of an acute emergency, when it is not possible to win over the rebels using conventional weapons, is it permissible to use nuclear weapons in the civil war to achieve the victory of Imam Adel's forces? In response, we can say that since the discussion of war emergency is one of the secondary topics; Some have considered as permissible anything that in this state of war would cause the Imam's forces to win over the rebel enemy (Kasani, 1409, vol. 7, p. 141; Shukani, 1413, vol. 8, p. 74). It allows armed. Therefore, if the method and use of a weapon is forbidden in the normal state of war against rebels, its use is permissible in case of an acute war emergency. Therefore, Sheikh Tusi says: "It is not permissible for a just imam to fight oppressive people with fire, nor to launch a catapult against them. If he is forced to do so, that is permissible for him.

(Sheikh Tusi, 1387, vol. 7, p. 275.) It is not permissible for Imam Adel to fight with fire and set up catapults against rebels, but if he is forced to use them, it is permissible for Imam to use them. According to Sheikh Tusi's point of view, the use of former weapons of mass destruction is sanctity in normal conditions and its permissibility can be used in case of war emergency.

Allameh Hali also believes that with the people of Baghi, it is enough to use the weapons of mass destruction. Inducing fire, catapults, and sending water are not used in war except in case of necessity (Allameh Hali, 1420, Vol. 2, p. 232; *ibid.*, 1412, Vol. 15, p. 190.) According to Allameh Hali, it is permissible to use it in case of war emergency. But it is not permissible in non-emergency situations because the purpose of war with the Baghi people is to disperse their fighting forces, while the use of weapons of mass destruction destroys all the Baghi people, both combatants and civilians. Therefore, it will be allowed to use it only in case of war emergency. With this view, Allameh Hali writes in Tazkireh: "If the people of justice needed that and were forced to do so because the aggressors had surrounded them on all sides and feared a collision with them, and they could not escape except by throwing fire or a catapult, then that would be permissible. Likewise, if the people of transgression shoot them with fire or a catapult, it is permissible for the people of justice to shoot them with it; The people of Justice are most in need of a weapon and are forced to make use of it, such as when they are besieged by a strong decision and the fear of Nabudi is overwhelming, and they find it difficult to fight and save me So, if you look like carbs, it is permissible Ast. "There is no need to make use of the weapon of Kashtar, the collective initiative of Warsand, in the opinion of the people of Nizkarbast's justice, it is the same as the metaphor of Khwahid Bud (Haman, 1414, vol. 9, p. 416.)"

In the study of Hanbali jurisprudence, Ibn Qudamah Maqdisi mentioned: "And he should not fight them with anything that causes widespread destruction, such as a catapult or fire, except for necessity, because it is not permissible to kill someone who does not fight, and what is completely destroyed falls on the one who does not fight. If this is called for by necessity, such as that the attackers should be on their guard and not be able to get rid of them with what is completely destructive, then it is permissible. Ba baghyan ba weapon hay kashtar prefix plural with san; A trebuchet and other weapons are not used, either in their original form or without a Kashtar, it is permissible to use them, but there are traces of the corpse of Kashtar weapons in the plural, irregular and regular, as a whole. It is necessary to remove the kerbstone, as it is necessary for the people of justice to besiege it. It is possible for us to attack, what type of weapon it has, and it is permissible to attack it. (Ibn Qudamah Maqdisi, *Sharh al-Kabir*, vol. 10, p. 57.)

Afzon Baran Ibn Muflih, Hajjawi and Bhuti Hanbali, one must fight with the Kashtar collective weapon in a normal state, it is forbidden to receive Kurdistan: "It is forbidden to kill them" (i.e., fighting them) with anything that includes destruction, such as a catapult or fire, because it covers who is permissible and who is not permissible, like anyone other than a combatant Necessity. Ibn Muflih, 1418, vol.7, p. 471; Hijawi, *Al-Iqnaa*, Vol. 4, p. 294; Bhuti, 1418, vol. 6, p. 163.) Therefore, in Hanbali jurisprudence, fighting against the rebels with weapons of mass destruction is similar; Catapults and fire are forbidden, except when the necessity of war and reciprocation requires it, because the use of weapons of mass destruction destroys combatants and non-combatants, therefore, its use in non-necessity and reciprocation against internal rebels is not permissible.

In Shafi'i jurisprudence, the use of former weapons of mass destruction is acceptable; Catapult, sending water and fire is not allowed except in case of emergency, therefore Abu Ishaq Shirazi says: "He should not fight them with anything widespread, such as catapults or fire, except in cases of necessity. The people of Baghi are not fought with common weapons except in case of necessity (*Al-Shirazi, al-Tanbiyyah*, Vol. 1, p. 230)" Sharbini also has this view in *Mughni al-Muthaghat*: "And they do not fight with anything powerful like fire or a catapult except in cases of necessity; You can't fight with the people of Baghi with huge weapons like fire and catapults except in case of necessity (Sharbini, 1415, Vol. 5, p. 406)"

However, in Hanafi jurisprudence, it is allowed to fight with former weapons of mass destruction against rebels, as well as infidels and people of war. "The people of transgression are fought with catapults, burning, drowning, and other things with which the people of war are fought; Because fighting them is to repel their evil and break their power, so they are fought with whatever that means; You can fight with the people of Baghi with weapons of mass destruction; Catapult, fire and drowning, and other weapons that are used to fight with the people of war (Kasani, 1409, vol. 7, p. 141)"

Za'ali Hanafi, Sarkhsi, Aini, Ibn Abedin and Haskafi have also allowed the killing of rebels with weapons of mass destruction in the era of Sharia because of the word of Almighty God - who said: Fight the oppressor sect until it returns to God's command. (Ziali, 1313, vol. 3, p. 294; Sarkhsi, 1414, vol. 10, p. 128; Aini, 1420, vol. 7, p. 302; Ibn Abedin, 1412, vol. 4, p. 265; Haskafi, 1423, vol. 1, p. 352.) On the other hand, some The narration also confirms this point of view, and the war with Baghat, like the polytheists, has been allowed with any weapon of war:

«وَعَنْ امِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) أَنَّهُ قَالَ: يُقَاتَلُ أَهْلُ الْبَغْيِ وَ يُقْتَلُونَ بِكُلِّ مَا يُقَاتَلُ بِهِ الْمُشْرِكُونَ؛

It is narrated from Amir al-Mu'minan (peace be upon him) that he said: Internal rebels will be fought and like polytheists: they will be killed by any means and weapon of war. Whatever can be effective to crush them (Nouri, 1408, vol. 11, p. 65; Maghribi, 1385, vol. 1, p. 393)"

Now, on the assumption that the use of nuclear weapons in the normal state of war against the rebels is not permissible; It can be said that in the case of war emergency, it is permissible to use secondary decree. Therefore, the late Khoi also considered the issue of banning the use of poison in the cities of infidels based on expediency and the secondary ruling to allow the use of poison in such cases (Khoi, 1410, Vol. 1, M, 16, p. 371). Therefore, the appearance of some jurisprudential interpretations shows that The urgency of war permits the use of any method and weapon (Allameh Hali, 1412, vol. 14, p. 85; Akhundi, vol. 1, p. 193.) Therefore, with this view, some contemporary jurists also allow the use of weapons of mass destruction against the infidel enemy due to necessity. have known (Madrasa, 1427, vol. 2, p. 270; *ibid.*, 1380, vol. 1, p. 241.) Therefore, the rule of emergency is a general rule and it applies everywhere in Islamic jurisprudence, including the emergency of war. Therefore, if the Ahl al-Adl Corps is in distress, it is legally permissible to use a special method and weapon to resolve the emergency. On the other hand, the scholars of the world have considered it permissible to commit haram, in order to preserve the greater expediency, in cases of necessity or emergency, they ignore the legal prohibitions and consider the person in distress innocent or at least not prosecuted. Since the Shariah is also among the wise and has not prohibited this way, this way is also a proof for us. However, regarding the use of modern weapons of mass destruction (such as nuclear, chemical and biological weapons), although due to its recent appearance, no clear opinion has been expressed by the former jurists regarding the sanctity or permissibility of its use against rebels. However, as mentioned, many jurists have evaluated and analyzed the use of weapons of mass destruction of the past era, such as water, fire, catapults, and especially poison, which is a weak example and similar to today's weapons of mass destruction. According to this article, some scholars of Sunni jurisprudence, with a superficial attitude and using analogy, have applied the ruling of former weapons of mass destruction to nuclear weapons, and have acknowledged that based on the application and generality of the Sharia evidence, its use against the rebels is permissible. (Shahab, 1428, p. 108.)

Retaliation mode is also another possibility of using weapons of mass destruction in the war against Baghat. Of course, confrontation is a compound word that consists of two words "confrontation" and "likeness", this word has other synonyms in the Qur'an, which are omitted here. As far as it has been investigated, in Islamic jurisprudence, apparently, the law of retaliation is accepted as a matter, and whoever violates another person's sanctity unjustly, the other has the right to retaliate. Its document is verse 194 of Surah Al-Baqarah:

«الشَّهْرُ الْحَرَامُ بِالشَّهْرِ الْحَرَامِ وَالْحُرُمَاتُ قِصَاصٌ فَمَنْ اعْتَدَى عَلَيْكُمْ فَاعْتَدُوا عَلَيْهِ بِمِثْلِ مَا اعْتَدَى عَلَيْكُمْ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ مَعَ الْمُتَّقِينَ»

Whoever transgresses your {rights}, then transgress against him as he has transgressed against you, and fear God, and know that God is wary. So, this rule is briefly mentioned in many chapters of jurisprudence. From the point of view of the narration, it is also legitimate to confront the parable; Because the Commander of the Faithful (peace be upon him) says about this:

رُدُّوا الْحَجَرَ مِنْ حَيْثُ جَاءَ فَإِنَّ الشَّرَّ لَا يَدْفَعُهُ إِلَّا الشَّرُّ؛

Return the stone from the place where the enemy threw it, because there is no answer to evil except evil (Nahj al-Balagha, Hikmat 314.)

In law, the term retaliation or retaliatory action is one of the common and widely used terms of international law (Omid Zanjani, 1373, Vol. 5, p. 217). So one of the cases where the possibility of using weapons of mass destruction as retaliation is possible; Its use is in the field of war against rebels. If, in the field of armed conflicts, the enemy of the rebels attacked the positions of the Islamic State forces using nuclear weapons! Does the Islamic government have the right to retaliate and use nuclear weapons against the rebel positions or not? From some points of view, the permissibility of reciprocating with the use of weapons of mass destruction can be removed in war (Shirazi, 1407, vol. 47, 192.) because the Holy Qur'an, in the verse of aggression by reciprocity, on the absolute permissibility of countering reciprocity in any field (including war) states:

«الشَّهْرُ الْحَرَامُ بِالشَّهْرِ الْحَرَامِ وَالْحُرُمَاتُ قِصَاصٌ فَمَنْ اعْتَدَى عَلَيْكُمْ فَاعْتَدُوا عَلَيْهِ بِمِثْلِ مَا اعْتَدَى عَلَيْكُمْ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ مَعَ الْمُتَّقِينَ»

The Haram month is against the Haram month [if the enemy does not respect its sanctity and fights with you in it, you should also fight him in the same month to preserve your existence] and all the sanctities have retribution. So whoever wrongs you, do the same to him, and fear God, and know that God is wary with fear (Al-Baqarah, verse 194)" citing this verse, it is claimed that confronting For example, in individual, group and international arenas, and war aggression and other current cases. This principle governs other evidences of Jihad as a jurisprudential rule in the political and military fields. Because all military and defense activities are within the scope of this rule, and its application by governments that have been subject to any military aggression, etc. is considered legitimate, but sometimes also obligatory (Mahoshiza, 1425, p. 179). Therefore, some of Shia thinkers have considered psychological, microbial or similar (chemical) warfare against the enemy as a secondary ruling. But provided that the recommendations of Islam are observed in the war and based on the most important rule, it should be checked so that the effect of such wars is not greater than its benefits (Shirazi, 1407, vol. 47, 192.) Therefore, if the rebels use weapons of mass destruction against the government forces Islamic attacked! Based on the principle of reciprocity, it is obligatory for the forces of Ahl al-Adl to use such weapons (Mahoshiza, 1425, p. 179). Some Shia jurists also use weapons of mass destruction, in case of use by the enemy, as reciprocity. allowed (Madrasi, 1419, vol. 1, p. 241.) According to some legal doctrines, if nuclear weapons are used for countermeasures, the ban on their use will not continue (Ziai Begdali, 2015, p. 65). Damaged forces can use the same weapon as countermeasures against aggressor and rebel forces. Just as the Islamic Republic of Iran threatened after Iraq's chemical attack against the forces of the Islamic Republic of Iran on the 2nd and 3rd of March 2013, if the United Nations does not take a firm stand against the use of chemical weapons, this country will also defend itself. It will fight back. In his Friday sermons in Tehran, on March 3, 1362, the head of the Islamic Council warned the United Nations that until now we did not want to use chemical weapons, but if Iraq continues to use chemical weapons, we cannot wait for the organization's action forever. Let's stay together (News Telex No. 24, 3/12/1362.) So according to the mentioned documents, the generality of the rule is proven. Now the proofs of the theory of permissibility are examined.

## 2. Evidence of Permission

Proponents of the concept of permissibility have cited verses, wisdom, and traditions.

### A: Intellect

According to the ruling of reason, it is permissible to crush the rebellion of the rebels and repel corruption from the corrupt in the case of necessity or countermeasures (Shahab, 1428, p. 108). . Because its use causes widespread killing of the current and future generations of rebels and destruction of the human environment, and this action is a type of French corruption and oppression, and from the point of view of corruption and oppression, it is inherently ugly.

### B: Verses

#### 1- Aye Baghi

One of the proofs of the permissibility of using nuclear weapons against the rebels is the verse of Baghi:

«وَأَنْ طَائِفَتَانِ مِنَ الْمُؤْمِنِينَ اقْتَتَلُوا فَأَصْلَحُوا بَيْنَهُمَا فَإِنْ بَغَتَ أَحَدُهُمَا عَلَى الْآخَرَىٰ فَفَاتِنُوا الَّتِي تَبَغَىٰ حَتَّىٰ تَقَىٰ إِلَىٰ أَمْرِ اللَّهِ؛

(Hujrat, verse 9.)" In addition, many Hanafi and Shiite jurists have taken from this verse the obligation of Jihad for the rebels (Sheikh Tusi, 1409, vol. 9, p. 346; Tabarsi, 1415, vol. 9, p. 200; Fakhri Razi, 1420, vol. 28, p. 104; Sarkhsi, vol. 10, p. 124; Za'ali, vol. 3, p. 294.) The meaning of the verse is also very clear about the obligation of rebels. Because after the rebels did not pay attention to peaceful ways, the verse orders war with the wording that the truth is mandatory (Sarkhasi, 1414, vol. 10, p. 124.) and in the verse, the weapon used against the rebels is not limited to conventional weapons. Therefore, killing the people of Baghi with weapons of mass destruction will also be permissible (Shahab, 1428, p. 107).

#### 2- Verses of Counteraction

One of the arguments for the permissibility of using weapons of mass destruction against rebels is the verse of retaliation. Now, if in the armed conflict, the rebel enemy uses nuclear weapons against the Islamic State! Does the Islamic government have the right to retaliate and use nuclear weapons against their positions or not? Of course, it has been said with a superficial attitude that it is permissible to use it for the Islamic government in case of confrontation and emergency, the Qur'an says in verse 194 of Surah Al-Baqarah:

«الشَّهْرُ الْحَرَامُ بِالشَّهْرِ الْحَرَامِ وَالْحُرُمَاتُ قِصَاصٌ فَمَنْ اعْتَدَىٰ عَلَيْكُمْ فَاعْتَدُوا عَلَيْهِ بِمِثْلِ مَا اعْتَدَىٰ عَلَيْكُمْ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ مَعَ الْمُتَّقِينَ؛

The Haram month is against the Haram month [if the enemy does not respect its sanctity and fights with you in it, you must also fight him in the same month to preserve your existence.] And all the sanctities have retribution. Therefore, whenever he transgresses against you, transgress him in the same way, and fear God, and know that God is wary of war." Of course, there are other verses to prove the legitimacy of retaliation (Nahl, verse 126 and Shuri, verse 40), but as far as it has been investigated, among the verses of retaliation, the most cited verse is the verse about aggression in the field of armed conflicts. Jurists have been placed and other verses have been cited mostly to prove reciprocity in criminal or financial legal fields. On the other hand, the expressions:

«وَالْحُرُمَاتُ قِصَاصٌ» و «فَمَنْ اعْتَدَىٰ عَلَيْكُمْ فَاعْتَدُوا عَلَيْهِ بِمِثْلِ مَا اعْتَدَىٰ عَلَيْكُمْ»

It is also possible to apply countermeasures in the field of domestic and international armed conflicts. Because "Wal-Hurromat Qisas" "Hurmat" is the plural of "Hurmat", so all forbidden things can

be retaliated against. Since "Hoormat" is a plural with "Alf Valam", according to the opinion of the Usulis, it refers to the public. Therefore, from this paragraph of the verse, the legitimacy of reciprocation can be proven in general. Therefore, according to the provisions of the reciprocation rule, the real or legal person(s) who have been violated has the right to retaliate against the aggressors in the same way. This principle governs other evidences of Jihad as a jurisprudential rule in the political and military fields. Therefore, based on the above verse, Bhuti considered the use of weapons of mass destruction against the rebels as permissible in the past era (Bhuti, 1418, vol.6, p. 163). which considers the killing of animals and destruction of the environment as haram will be limited.

## C: Traditions

### A: Traditions

#### 1- Narration of Tohf al-Aqool

One of the traditions that can be cited for the permission to use weapons of mass destruction in the military arena. Part of the narration is Tahf al-Aqool, of course, the original narration from Imam Sadiq (peace be upon him) was entered in the form of messenger (Harani, 1404, p. 346). In this narration, it is stated; If something has a rational and local benefit, its use is permissible:

«وَكُلُّ شَيْءٍ يَكُونُ لَهُمْ فِيهِ الصَّلَاحُ مِنْ جِهَةٍ مِنَ الْجِهَاتِ فَهَذَا كُلُّهُ حَالِلٌ»

Haramili, 1411, vol. 17, pp. 83-86, H1; Nouri, 1368, vol. 11, p. 65; Harani, 1404, p. 346.) According to this part of the narrative, since the use of nuclear weapons, in the field of armed conflicts against the rebels, can change the fate of the war in favor of the righteous forces and lead to victory, therefore its use in the war The reason for the victory will be due to the goodness of the Imam's forces. So, by using this paragraph of Tohf al-Aqool narration, it is also possible to reach the verdict of using weapons of mass destruction against the rebels.

#### 2- Narrating the Killing of Rebels with Any Weapon of War

According to the narration that the war with Baghat, like the polytheists, is allowed with any weapon of war, the permission to kill the rebels with nuclear weapons can also be used:

«وَعَنْ امِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) أَنَّهُ قَالَ: يُفَاتِلُ أَهْلَ الْبَغْيِ وَ يُقْتَلُونَ بِكُلِّ مَا يُقْتَلُ بِهِ الْمُشْرِكُونَ؛

It has been narrated from the Commander of the Faithful (peace be upon him) that he said: We will fight with the internal rebels and like the polytheists; They will be killed with any weapon of war. (Nuri, 1368, vol. 11, p. 65.)" Therefore, any weapon that can be effective in crushing their shaukat can be used in the rebel war.

#### 3- Criticism of Evidence of Permission

There are several points regarding the evidence that the appearance of dignity has in the authorization of the use of nuclear weapons:

- 1) The final goal of the jihad of the rebels is not to kill them all over the world, but to deter and prepare the ground for their return to obeying the Islamic ruler. While the use of nuclear weapons against them not only does not cause a return! It also causes the destruction of their current and future generations and other living beings and the destruction of the environment.
- 2) The narration of Tohf al-Aqool is also problematic; Because in terms of the document, it is sent and in terms of the text, it is also distressed. Therefore, it is very difficult to trust it in the discussion of the use of nuclear weapons. On the other hand, it is an example of a weapon of

mass destruction; (poison) has existed in the age of evidence, but not only has no order been issued by the Shariah for its use, but it has even been forbidden to use it in military conflicts. Yalqi al-Sam in the land of the polytheists; Hazrat said: The Messenger of God forbade spraying poison in the cities of polytheists" (Kilini, 1430, vol. 5, p. 28; Haraami, 1411, vol. 15, p. 62, h. 1.)

- 3) The meaning of the narration, which considers the war against the rebels as permissible with any weapon, just like the polytheists, is likely to mean the legitimate military weapons, not the illegitimate weapons of mass destruction, whose very existence poses a danger to human society.
- 4) But the issue of urgency is not absolute either! Rather, its implementation is possible under certain conditions:

**First:** Realization of significant and fundamental rational and customary loss, or if it is not certain, at least prevailing and present. **Secondly:** On the other hand, no authorized method or weapon of war can be effective in repelling or removing it, so that doing the forbidden act to remove the damage is legally permissible. **Thirdly:** on the assumption that it is permissible to use in an emergency, the commission of a forbidden act or the use of weapons should be carried out as much as necessary, not to destroy all the internal rebels outright under the pretext of emergency.

**Fourth:** "Compulsion does not invalidate the right of others." Emergency does not invalidate the rights of others (Maghniyeh, 1421, p. 392.) Therefore, one of the most important rights of the rebels is the right to human life, and the right to life of the rebels cannot be ignored or killed under the pretext of emergency, and the environment and other living beings also destroyed

**Fifth:** One of the most important criteria for the implementation of the rule of emergency is the suitability of doing the forbidden act with the emergency situation; that doing the forbidden act should not cause harm equal to or greater than the harm resulting from the emergency situation; That is, if the harm of using nuclear weapons is equal to or more than the harm of not using them against the rebels, then using them is not permissible. Because some even consider it necessary to use chemical weapons if it leads to injury to ordinary and innocent citizens; Children, women, the elderly and other non-combatant people are not considered permissible (Javadi Amoli, 1389, vol. 9, p. 649.) because the implementation of the rule of emergency creates greater corruption. Because the act of haram, which has more severe corruptions, there is no urgency about it at all. Therefore, there is no doubt about its sanctity (Sistani, 1414, p. 314).

Therefore, the implementation of the emergency rule is possible only when the distressed person chooses the minimal damage or the least damage among the damages; Just like when the use of a weapon in an emergency situation leads to the killing of a very small number of civilians, war emergency can be considered a license to kill them (Tabrizi, 1387, p. 44). And destroy the environment! It is certainly not permissible to use it even in an emergency (Sherbini, 1415, vol. 4, p. 224.) because in this case, the harm of using nuclear weapons is a huge and huge harm, which is related to the consequences of not using or defeating the Imam's forces at a certain point. Not comparable. Because there are rules in jurisprudence such as; "Harm is not warded off by harming others," or "warding off evil takes precedence over bringing about benefits," or "repelling corruption by causing corruption." However, if you use a weapon like this and do not take care of an officer, it will cause less damage. (Amid Zanjani, 1373, vol. 5, p. 114) So making use of this weapon is even more harmful There is a political government in which there is a risk of making a difficult decision - but Of course, Islamic rituals are possible. Learn about the jurisprudence of jihad in the era of the occultation and the imposition of political governance and the possibility of Islamic rituals being permissible to be denounced (Najafi, 1404, vol. 21, p. 47). Harchand has this view D, preserving the political system of Islam in the Islamic Republic. However, in order to preserve an Islamic political system that has been tainted by the traitors of Ziyad and Kashtar, Fransli Begnahan, there



No bearer can bear the burden of another's sin.

The provisions of the Weser rule imply the sanctity of the use of weapons of mass destruction even in the case of retaliatory confrontation, because it is not legally permissible to kill innocent civilians because of the guilty rebels.

Sixth: In the discussion of countermeasures as mentioned above, the subject should be only the aggressor and the victim, because the Qur'an says:

«فَمَنْ اعْتَدَى عَلَيْكُمْ فَاعْتَدُوا عَلَيْهِ بِمِثْلِ مَا اعْتَدَى عَلَيْكُمْ؛

(Al-Baqarah, 194.) And whoever transgresses against you, transgress against him as he transgressed against you." Therefore, according to the verse of "Attada al-Mizl", retaliatory action is permissible only against the aggressor. Therefore, non-aggressors are not included in the verse of aggression (Al-Khalaf, 1428, p. 99) because God says:

«وَقَاتِلُوا فِي سَبِيلِ اللَّهِ الَّذِينَ يُقَاتِلُونَكُمْ وَلَا تَعْتَدُوا إِنَّ اللَّهَ لَا يُحِبُّ الْمُعْتَدِينَ؛

(Al-Baqarah, 190.) And fight in the way of God with those who fight with you, and do not transgress [when fighting from the divine limits], for God does not like transgressors. According to the verse of aggression, if in retaliation, against women, children, the elderly, farmers, ambassadors or diplomats, merchants, mercenaries, shepherds, monks, artisans, tourists, madmen, neutrals, slaves, the blind, and gardeners who are unable to fight. harm, such action is definitely a violation of the law and principles of war (Allameh Hali, 1414, vol. 9, pp. 64-68.) because punishing people who were not involved in the criminal act and perhaps did not consent to doing it, morally and Islamic legal system is not legitimate in any way. Rather, it is placed under the title of corruption. Therefore, one of the clear examples of forbidden aggression is the use of nuclear weapons in a state of mutual confrontation.

**Seventh:** Retaliation should not cause extravagance in killing. Because the verse "Extravagance in killing" also prohibits the killing of non-aggressors. Therefore, in retaliation or retribution, non-killer killing is "wasteful in killing" according to Islam, the Qur'an says:

«وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ وَمَنْ قُتِلَ مَظْلُومًا فَقَدْ جَعَلْنَا لَوْلِيهِ سُلْطَانًا فَلَا يَسْرِفُ فِي الْقَتْلِ إِنَّهُ كَانَ مَنْصُورًا؛

(Esra, 33.) Extravagance in killing also means exceeding the Shari'ah limit of killing humans, which in some interpretative traditions is also considered as "extravagance in killing" to kill a non-killer or to mutilate a killer (Haraami, 1411, 29, 127, H2; Klini, 1430, 14, p. 535.) Since the use of nuclear weapons against the rebels in the form of countermeasures and as a secondary ruling, it is forbidden.

## B: The Theory of Honor

Considering that Islam is a religion of mercy, it does not allow the use of any weapon against the rebel enemy. However, in some cases, armed defensive action or attack on the military targets of the rebels has been considered legitimate, and Jihad with them is a divine duty. But in Islam, the goal never justifies the illegitimate means, so the behavior of Imam Adel's forces with the people of Baghi should be within the framework of the Islamic school of thought and human position. Therefore, killing the rebel enemy is permissible only under certain conditions and with conventional war tools, not absolutely and with any weapon like weapons of mass destruction. Because the Holy Qur'an has even considered the implementation of justice in the field of armed conflicts and regarding infidel and rebel enemies as necessary. It is with this view that he absolutely forbade the use of poison (which is a weak type of modern weapons of mass destruction) in the inhabited cities of infidels, and one interpretation of this particular ruling is that although only poison is mentioned in this hadith, all It includes modern weapons of mass destruction. Because their use is not targeted like poison, and this method of war is very unfair,

immoral and illegitimate from the point of view of Islam, because it destroys armed and unarmed enemy. Now the view of respect is examined.

### 1. Order of Application

Regarding the ruling on the use of weapons of mass destruction in the war against the rebels, it can be said that the requirements of the first principle apply to the sanctity of damage and loss of people. Because the use of nuclear weapons in war destroys ordinary citizens and the next generations of rebels and the environment. Therefore, regarding weapons of war whose use has this consequence and is characterized by titles such as aggression, damage and corruption, the first principle is respect. Therefore, as long as the departure from the requirements of the first principle is not certain, the case is still under the first principle of sanctity of use, and in case of doubt, it is naturally the reference of the first principles. However, even though there is a possibility of an emergency exit and retaliatory measures, there is a place for reflection in these cases as well. Because even though some jurists are like that; Shahid Thani, the late Khoi and Seyyed Sadeq Shirazi have specified the permissibility of using poison against infidels based on some verbal evidence (Shahid Thani, 1387, Vol. 2, p. 392; Khoi, 1410, Vol. 1, M, 16, p. 371; Shirazi, 1409, Vol. 2, p. 236 .) Despite this, if the emergence of this kind of fatwa is sufficient in the use of war weapons and offensive and defensive methods of the past era, it is certainly very difficult to use the permission to use weapons of mass destruction today, even in case of emergency and retaliation. Because in contrast to this attitude, some jurists of the Islamic world have considered even the use of poison as absolutely haram due to the prohibition of the Prophet of Islam. ("It is not permissible to throw poison according to the most correct opinion 'First Martyr, 1417, vol. 2, p. 32.).

Allameh Tabatabaei also considered the use of poison and non-human weapons in war to be haram. It may not be taken from him except by honorable means. In war and peace, sabotage, burning, poisoning, and cutting off water from enemies are forbidden (Allameh Tabatabai, 1363, vol. 4, pp. 164-165.) "So most jurists make use of a weak type of weapon, such as a general kashtar, in the areas of the infidels of Haram, and in general; Sheikh Tusi, Ibn Idris, Ibn Zahra, Muhaqqiq Giraki, First Shahid, Second Shahid, Muhaqqiq Hili, Sabzwari, Abu Talib Tabrizi, Al-Kaydri, Marhum Khoei, Allama Tabatabai, Muhammad Sadr, Zia Iraqi, Sayyid Saeed, Mirza Jawad T Brizi, Asif Mohseni, Sayed Sadiq Shirazi, Makarem Shirazi, Jafar Sobhani, Javadi Amoli, Seyyed Muhammad Shirazi, Vahid Khorasani, Muhammad Sanad, Heba al-Zuhaili and Imam Khomeini Figures of Kurdand (Sheikh Tusi, 1400, vol. 1, 293; Ibn Idris, 1410, vol. 2, p. 7; Ibn Zahra, 1417, p. 200; Muhaqqiq al-Karaki, 1408, vol. 3, p. 385; Shahid I, 1417, vol. 2, p. 32; Shahid II, 1413, vol. 3, p. 24; Muhaqqiq al-Hilli, 1412, vol. 2, p. 8 ; 427, vol. 2 , 384, Iraqi, 1414, vol. 4, p. 404; Al-Adhari, The Eminence of Islam and the Rights of Religious Minorities, vol. 1, p. 29; Tabrizi, 1426, vol. 1, p. 383; Mohseni, 1429, vol. 1, p. 633; Makarim Shi Razi , 1363, vol. 2, p. 19; Subhani, Fatwa, 7 Ramadan al-Mubarak, 1429; Javadi Amli, 1389, vol. 9, p. 649; Shirazi, 1423, p. 163; Wahid Khorasani, 1428, vol. 2, p. 421; Sindh, 1427, vol. 1, pp. 305-306; Al-Zuhayli, 1387, vol. 5, p. 292; Saed, 1387, p. 118. There is a saying in the place of the response of Didgah Kasani, who said that he disliked the Qai in the month of Kfar Hastand, and this is the narration of Sakouni from the view of Danish men who have received the acceptance of the Prophet and the scholars based on the narrations or work of Kurdand, but here is the chain of narration Perfect story. After raising the Sindhi verb to the place of semantic research, this narration of Ber Harmat Pashidin is the subject of the most recent semantics of polytheists. It is very hot and has a lot of poison from Sarsmin, which is mostly carbst poison, which is made with Kashtar Zannan, Kudkan, Salkhordgan, Musalmanan and Diger Kasani such as Jung, which are not allowed. But otherwise, for Pirozi's sake, it is permissible to make use of it in the most infidels of the existence of his dissent, as well as releasing a novel in this place, and even if it is necessary to use it in the next place (Najaf. Y., 1404, vol. 21, p. 68.) Currently, there are narrations that forbid poisoning in general and public health according to fundamental rules, but with limited evidence (of necessity) that is more restrictive. Wali Brassas, the owner of Jawahir Dar Al Khasus, considered this absolute, the possibility of restricting the presence of a niddard. Zira Bayambar Islam (may God bless him and his family).

When Pirozi was forced and stopped, there was a question that was raised, so he decided to stop fighting (Kalini, 1387, vol. 9, p. 409; Haramli, 1411, vol. 15, p. 62, vol. 1). Therefore, it was forbidden to use such a weapon What is the collection you have provided? A comprehensive history of modern Islamic jurisprudence and contemporary jurisprudence by Jahan Islam, based on a reliable narration of Sakouni and other evidence that conveys the destruction of a collective weapon in infidel areas, which contains negative and anti-moral evidence And Fragir Boden Asib Rasani and the ray of Zianbar's influences and the lack of dismantling of Nizami's goals And irregularity is forbidden. As a word, the use of a weapon is absolutely forbidden in the plural form: "It is forbidden to use a weapon in this way, and it is forbidden to use it as a weapon." Gan Midanim; What is the belief of the people and weapons of the Ndarim, that is, they are not the ones that have left, they are not based on the foundations of my belief and religion, and they are not prohibited and forbidden. This is the loss of the Kurdish tillage and the offspring of the Holy Qur'an. It is forbidden to announce Kurdistan. Iran is filled with concerns about the existence of a structure and thought that contradicts weapons, and concerns about the existence of a plan and rationality that is contrary to it (Khameneya, 1/28/1398). If you are an infidel who is a forbidden warrior, take advantage of it Its month and the place of Sakone, the people of prostitution, there is a first forbidden road, Zira Ba'id Nabudi Musalmanan, and a threat to the descendants of Bushrait Ra Bidard. Assuming this is the benefit of this weapon, the following is the title of "Corruption on Earth," a decision that is not mentioned in the Qur'an regarding the destruction of crops and land, with an absolute form prohibiting it. Therefore, Nabudi Bushrit Hargaz was forbidden from making an exception, and this is an eternal jurisprudential rule.

## 2- Evidence That Was Forbidden

### A: Mind

This is a kind of injustice, in my view Intellectual injustice is forbidden. However, from the perspective of a criminal, this type of weapon with a clear credence on it is unjust and forbidden.

### B: Verses

There is a lot of evidence that it is forbidden to use weapons, including verses from the Holy Qur'an.

#### 1- Verses of Corruption

One of the most important reasons for the sanctity of using weapons of mass destruction is the verses of corruption. Therefore, it is used to examine that corruption on earth is abominable to God. Therefore, during the creation of Hazrat Adam, the angels paid attention to the issue of human corruption and bloodshed and protested to the Almighty Creator:

«أَتَجْعَلُ فِيهَا مَنْ يُفْسِدُ فِيهَا وَ يَسْفِكُ الدِّمَاءَ؛

Do you create someone on earth who will cause corruption and bloodshed in it (Al-Baqarah, verse 30)" Since the use of nuclear weapons leads to the killing of innocent people and creatures and the destruction of the environment, it is a definite example of corruption, and according to the first ruling, it is also corruption. It is forbidden, and its sanctity is documented by many verses of the Holy Quran, including verse 205 of Surah Al-Baqarah, which refers to the corruption of haras and nasl:

«وَإِذَا تَوَلَّى سَعَى فِي الْأَرْضِ لِيُفْسِدَ فِيهَا وَيُهْلِكَ الْحَرْثَ وَالنَّسْلَ وَاللَّهُ لَا يُحِبُّ الْفُسَادَ؛

And when [such stubborn enemies] find power or a government, they try to bring corruption and destruction on the earth, and to destroy crops and generations, and God does not like corruption and destruction (Al-Baqarah, verse 205)" in this verse. Destruction of plants and the human race and quadrupeds is considered as a clear example of corruption in the earth. The jurisprudential rule of corruption in the land is sacred (Khoei, 1418, vol. 12, p. 305). Therefore, the above verse can be used to

describe the use of weapons that destroy the land; Today's weapons of mass destruction are forbidden in war. "The verse indicates the prohibition of corruption on earth, and we take inspiration from it the prohibition of using weapons that corrupt the earth, such as weapons of mass destruction." (Madrasa, 1427, vol. 1, p. 171)"

## 2- The Verse of Sanctity of Attack

From the point of view of Islam, war has laws and principles, therefore, in the field of armed conflicts, you cannot use any kind of weapon to destroy the rebels who have taken up arms against the Imam's forces, and verse 190 of Surah Al-Baqarah expresses one of the most important principles of war, i.e. "Principle of respect for belief" and how Imam Adel's forces behaved with the rebel forces:

«وَقَاتِلُوا فِي سَبِيلِ اللَّهِ الَّذِينَ يُقَاتِلُونَكُمْ وَلَا تَعْتَدُوا إِنَّ اللَّهَ لَا يُحِبُّ الْمُعْتَدِينَ؛

And fight in the way of God with those who fight with you, and do not transgress [when fighting from the divine boundaries], for God does not like transgressors." Of course, while the war with the rebels is on the way to Allah, but trespassing in it is forbidden. Therefore, some commentators have acknowledged about the word "non-aggression" that it means the impermissibility of killing civilians and ordinary people in war, who should not be harmed in the armed conflicts of these classes (Tabari, 1420, vol. 3, p. 562.) Therefore, this verse forbids the violation of civilians in the field of war (Allameh Tabatabai, 1363, vol. 2, p. 61.) since the use of nuclear weapons in a state of war emergency or in a state of confrontation, for example, leads to the killing of women and children, old men, farmers, ambassadors and diplomats, merchants, mercenaries, shepherds, monks, artisans, tourists, madmen, neutrals, slaves, blind, rebels and individuals who are unable to fight. Such an act is a violation of the war principles of Islam (Allameh Hali, 1414, vol. 9, pp. 64-68). Therefore, one of the clear examples of forbidden aggression is the use of weapons of mass destruction in the war against rebels, which is prohibited in the verse. So according to the verse of aggression: "Resorting to the use of weapons of mass destruction is all examples of aggression against innocent people and inhumane methods, which are prohibited in the eyes of Islam." (Makaram Shirazi, 1426, vol. 10, p. 282.)" Resorting to weapons of mass destruction is one of the obvious examples of violation of the ordinary citizens of the rebels and inhumane method, and it is forbidden according to Islam.

## 3- The Verse Honoring Genocide

From the verse on sanctity of genocide, the sanctity of using nuclear weapons against the rebels can also be used:

«مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا؛

Whoever kills a human being without committing suicide (with the intention of revenge) or corruption in the earth (with the intention of punishing the corrupter in the earth), it is as if he has killed all humans, and whoever saves a human being from death (brings him back to life). ) is as if he has revived all the people (Maedah, verse 32.)

In this verse, the sanctity of genocide and mass killing of human beings has been assumed, it seems that it does not need to be argued, therefore even the killing of an innocent person has been considered as the killing of all humanity. So, according to the verse, the use of nuclear weapons is against the principle of human life (The right to life is guaranteed in Sharia law for every human being, as it prevents the annihilation of the human species and rejects deadly, exterminating weapons - such as atomic, nuclear, bacterial, chemical or radioactive bombs, and other weapons of mass destruction - and anything that limits human birth. (Islamic Jurisprudence Encyclopedia Institute, 1416, vol.62, p.257.) Therefore, not only does no one have the right to commit genocide. Rather, even if a person is killed innocently, it is considered genocide. How long will it take to use nuclear weapons in a normal state of

war, or in an emergency, or in the event of a confrontation, to massacre all the residents of the Ahl al-Baghy cities with inhumane and self-inflicted murder, and by doing so, destroy even their next generations. On the other hand, the sanctity of genocide is not only for Muslim nations and the religion of Islam! Rather, from the point of view of jurists and intellectuals of the world, human genocide is a war crime, an ugly act and an inhuman behavior.

#### 4- Verse of Extravagance in Killing

From the verse of extravagance in killing, the sanctity of using weapons of mass destruction against rebels can be used, because according to the Quran, extravagance in human killing is prohibited:

«وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ وَمَنْ قُتِلَ مَظْلُومًا فَقَدْ جَعَلْنَا لَوْلِيهِ سُلْطٰنًا فَلَا يُسْرِفُ فِي الْقَتْلِ إِنَّهُ كَانَ مَنْصُورًا؛

And do not kill the person whom God has forbidden to kill, except for the right, and whoever is killed, we have definitely made his guardian (heir) to have authority over the killer (for bloodlust, ransom, or revenge), so the heirs of the victim have no right. He should be excessive in killing (and retribution), because (the oppressed) has been supported (Esra, verse 33)"

According to the Qur'an, killing should not be wasteful. The word "extravagance" is also derived from the verb "serf" in the dialect, and its meaning is to exceed the limit. Now, if doing something exceeds its rational or religious limit, it is extravagance. Therefore, extravagance in killing also means exceeding the Shari'ah limit of killing people, which in some interpretative traditions, "extravagance in killing" is considered to mean non-murderous killing or mutilation (Haramali, 1411, vol. 29, 127, h2; Kilini), 1387, vol.14, p.535.) So according to Islam, extravagance in human killing is forbidden. From the point of view of the use of nuclear weapons against the rebels - not only in the normal state of war but also in the state of emergency or countermeasures - certainly wastefulness occurs in the killing or genocide of the rebels, therefore the use of nuclear weapons is a clear example of wastefulness in It will be killing, so according to Islam, it is forbidden to use weapons that cause extravagance in killing, even as a retaliatory act.

#### A: Traditions

One of the Shariah proofs of the sanctity of using weapons of mass destruction against the rebels is hadiths.

##### 1. Traditions of the Sanctity of the Use of Poison

One of the most important proofs of the sanctity of using weapons of mass destruction in the rebel war is the sanctity of using poison. Although the owner of the jewel has admitted that there is no other narrative about the sanctity of using poison in war in the narrative sources, apart from Sukuni's narration (Najafi, 1404, vol. 21, p. 67), but as far as the author has investigated, in addition to Sukuni's narration, There is another one about the sanctity of using poison in narrative sources, and Tabarani quoted it in Musnad al-Shamayin from Samra bin Jundab from the Messenger of God (PBUH), in which it is also forbidden to spread poison in the water wells of polytheists:

«عَنْ سَمْرَةَ بْنِ جُنْدَبٍ، أَنَّ النَّبِيَّ (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) نَهَى أَنْ يُلْقَى السُّمُّ فِي آبَارِ الْمُشْرِكِينَ؛

Samara bin Jundab narrates from the Messenger of God (pbuh): that the Prophet (pbuh) forbade sprinkling poison in the water wells of polytheists (Tabrani, 1405, vol. 4, p. 336, number 3484). It implies the use of poison in the water wells of the polytheists, so it is permissible to use modern weapons of mass destruction.

Another narration that clearly indicates the sanctity of using poison and Shia thinkers have cited it and issued fatwas is the authentic narration of Sukuni. This narration is also included in the narrative texts

of the Messenger of Islam<sup>9</sup>, and it clearly indicates the sanctity of using poison in the cities where the infidels live:

«عَنْ السَّكُونِيِّ، عَنْ أَبِي عَبْدِ اللَّهِ (ع)، قَالَ: قَالَ أَمِيرُ الْمُؤْمِنِينَ (ع)، نَهَى رَسُولُ اللَّهِ (ص) أَنْ يُلْقَى السَّمُّ فِي بِلَادِ الْمُشْرِكِينَ؛

(Kilini, 1430, vol. 5, p. 28; Haraami, 1411, vol. 15, p. 62, h. 1.) The application of this narration is similar to Samurah's narration, and it seems to be the sanctity of using poison in the regions and cities where the infidels live, as many scholars of jurisprudence have said. And the former and contemporary jurists have used this narration to show the sanctity of the use of poison (Najafi, 1404, vol. 21, p. 68.) but since the mention of poison in these two narrations has no characteristics. Therefore, it is possible to abolish its specificity and extend its ruling to all modern weapons of mass destruction, such as (nuclear, microbial and chemical weapons) which are similar to poison, and the use of all kinds of weapons of mass destruction in war is considered haram. As some contemporary jurists have explicitly extended the rule of poison to other types of weapons of mass destruction: "It has been narrated that it is forbidden to throw poison into the lands of the polytheists, and it includes all types of chemical weapons and other weapons of mass destruction, so they cannot be used." (Madrasi, 1427, vol. 2, p. 270.) According to these narrations, it is forbidden to sprinkle poison on the ground or in the wells of polytheists, even in case of emergency. However, the hadiths on the sanctity of tassaam apply and according to the basic rules, it should be restricted with a binding reason (in case of emergency). But because the Prophet of Islam (PBUH) forbade spraying poison in war, even in case of emergency. Therefore, the traditions of sanctity of the use of poison, water from appropriation and similar are the ruling reason. So, through these two narratives, we can reach the sanctity of the use of weapons of mass destruction in the rebel war. Because when it is forbidden to use poison in the cities or in the reservoir of the infidels, it is certainly forbidden to use it in the cities and to sprinkle it in the drinking water of the people of Bagh who are Muslims in the first way.

## 2- Narration of Tohf al-Aqool

From the narration of Tohf al-Aqool, the sanctity of using weapons of mass destruction in the rebel war is also used, and a part of it indicates the sanctity of using anything that corrupts:

«فَكُلُّ أَمْرٍ يَكُونُ فِيهِ الْفَسَادُ مِمَّا هُوَ مَنُوبِيٌّ عَنْهُ وَ... أَوْ شَيْءٍ يَكُونُ فِيهِ وَجْهٌ مِنْ وَجُوهِ الْفَسَادِ...؛

And as for the forbidden ways of buying and selling, all the corrupting and illegitimate transactions of food or drink, or marriage, or possession, or keeping, or giving or lending it, or any transaction in which there is some kind of corruption... ; Because of the corruption in it..., it is completely illegitimate and forbidden (Harani, 1404, p. 346; Nouri, 1368, vol. 11, p. 65; Haraami, 1411, vol. 17, pp. 83-86, h. 1.)" According to this narration, everything that Mafside has its use, all types of possession are forbidden in it. Because the use of weapons of mass destruction is corrupting in the field of military conflicts against rebels. So, by using this paragraph of the narration, we can reach the sanctity of using weapons of mass destruction against the rebels. Of course, if the narration is considered complete in terms of evidence and implication.

## 3- Narratives of the Veneration of Muthlah

The prohibition of the use of these types of weapons can also be used from the analysis of the traditions of Muthlah's sanctity:

«عَنْ مَسْعُودَةَ بِنِ صَدَقَةَ عَنْ أَبِي عَبْدِ اللَّهِ (ع) قَالَ: إِنَّ النَّبِيَّ (ص) كَانَ...، وَ لَا تُمَثَّلُوا

(Haramali, 1411, vol. 15, 59, h3; Kilini, 1430, vol. 9, p. 413.) In this narration, the Prophet forbade mutilating enemies in war. According to Islam, even mutilation of animals is forbidden:

«عَنْ أَمِيرِ الْمُؤْمِنِينَ (ع) ...، وَ لَا يُمَثَّلُ بِالرَّجُلِ فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ (ص) يَقُولُ إِنَّا كُمْ وَ الْمُثَلَّةَ وَ لَوْ بِالْكَلْبِ الْعُقُورِ؛

Amir al-Mu'minan (a.s.) said in his last will: I heard the Messenger of God (p.b.u.h.) saying: Avoid mutilation, even to a biting dog (Haramali, 1411, vol. 29, p. 128, h. 6; Kilini, 1430, vol. 9, p. 413.) Therefore, based on these narrations, the jurists of the Islamic world have considered it forbidden to mutilate enemy soldiers in war: "It is not permissible to mutilate them by cutting off noses and ears and the like in times of war, without any disagreement that I find regarding it, because I heard it forbidden." It is never permissible to mutilate the enemies of Islam, by cutting off noses, ears, etc. in war, due to the lack of contradiction and prohibition received from the Prophet of Islam (Najafi, 1404, vol. 21, p. 77)" It is forbidden to use weapons of mass destruction in armed conflicts, in the normal state of war, and even in the case of mutual confrontation. Because its use in armed conflicts not only causes widespread mutilation of both military and civilian victims, but for years to come, the future generations of insurgents will also be involved and suffer with such body defects and defects.

#### 4- Traditions of Banning Environmental Destruction

From the narrations that indicate the preservation of the environment or the prohibition of harming the plants, water, soil and air of the land of cities, in the field of armed conflicts, it is also possible to reach the sanctity of the use of weapons of mass destruction:

«عَنْ مَسْعُودَةَ بِنِ صَدَقَةَ عَنْ أَبِي عَبْدِ اللَّهِ (ع) قَالَ: إِنَّ النَّبِيَّ (ص)... قَالَ: وَ لَا تُحْرِقُوا النَّخْلَ وَ لَا تُغْرِقُوهُ بِالْمَاءِ، وَ لَا تَقْطَعُوا شَجَرَةً مُثْمِرَةً وَ لَا تُحْرِقُوا زَرْعاً؛

Masada bin Sadaqa narrates that when the Messenger of God sent his commanders to Syria, he said: In war, do not set fire to trees, and do not drown them with water, and do not cut down fruit trees, and do not set fire to crops (Haramali, 1411). , vol. 15, p. 59, p. 3; Novi, 1997, vol. 12, p. 48.) In the last paragraph of Abu Hamzah Samali's narration, the destruction of the environment is also prohibited in non-emergency situations (Kilini, 1430, vol. 9, p. 408). Destruction of the environment and bringing war to the field of plantations and trees is prohibited unless it is an emergency. Only in an emergency and where the enemy forces have camouflaged themselves among the trees and crops of the war zones to kill and destroy the soldiers of Islam, it is permissible to cut down trees and set fire to the fields and trees to reach the enemy with conventional methods, and this act of The necessity of war has been recognized (Ibn Qudama, 1388, Vol. 10, pp. 509-510.) but since the use of weapons of mass destruction leads to the destruction of the human environment and the destruction of humanity and other living beings and will leave unimaginable damage. Therefore, its use is forbidden due to the destruction of living organisms and the environment.

### D: Jurisprudential Rules

#### 1- Harmless Rule

The sanctity of the use of nuclear weapons can also be used from the harmless rule, but several possibilities have been proposed for the provisions of the rule: 1- The provisions of the hadith prohibit causing harm; 2- The content of the hadith Lazhar is a governmental prohibition; 3- The content of the rule is the negation of the ruling in the language of the negation of the subject; 4- The content of the hadith is the negation of the harmful ruling In this sense, any ruling issued by the Shariah, if that ruling entails harm, whether it is harm to the self of the obligee or others, or financial loss, the said ruling is negated according to the rule of non-harm; 5- The content of the hadith lazarr is the negation of unjustified harm, in the sense that the holy law has denied unjustified harm, and this is an irony about the obligation to prepare for harm (Makaram Shirazi, 1370, vol. 1, pp. 58-67; Bajnordi, 1419, vol. 1 , p. 215-225; Khomeini, 1415, p. 73-117; Sobhani, p. 68-81.) among the five views mentioned about the provisions of the rule of harm. In this discussion, what is meant by the provisions of the rule is the negation of harmful provisions; The provisions of "harmless" means; "Lahkam harmi fi al-Islam" and "harmless" means; "There is no ruling on harm in Islam" There is no ruling on harm or harm in Islam. That is, there are no rules in Islam that obligate or enable a person to cause harm to others through the use

of nuclear weapons, and the rule of non-harm is mandatory, based on the primary evidence of the use of nuclear weapons.

## 2- Viser Rule,

The Wezer rule is also one of the general reasons for the sanctity of using weapons of mass destruction, its documentation, in addition to reason, is verses 15 of Isra, 7 of Zamr, 164 of Anam, 38 of Najm and 18 of Fatir:

«وَلَا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَى؛

No burden bearer will bear another's slander (Isra', verse 15.) The word "wezer", from the plural of "wezer, yezeru", means guilt, sin and carrying a heavy burden (Ibn Manzoor, 1414, vol. 5, p. 282. ). In terms of content, the rule of "wezer" expresses a first principle that anyone who commits a crime and its guilt is the responsibility of the guilty person. Therefore, only someone who has committed a material crime or cooperated in the realization of criminal acts can be prosecuted and punished. But the relatives of the criminal are safe from punishment and criminal prosecution. From this point of view, the rule of Wizer indicates the personal nature of punishments in Islam, and it is one of the essential elements of punishment in Islam, and it has Quranic roots and a rational principle, and this rule applies in all chapters of jurisprudence, and it is also the case in the discussion of Jihad of Baghians. Therefore, if one generation of the people of Baghi is guilty and guilty, according to this rule, punishing their next generations (in the field of Jihad by using nuclear weapons even in the case of reciprocation) is forbidden. Therefore, the provisions of the Weser rule imply the sanctity of using weapons of mass destruction even in the case of retaliatory confrontation, because the French killing of innocent people for the sake of the guilty rebels is not legally permissible.

## Result

Although some jurists of the use of weapons of mass destruction in the age of evidence have made some assumptions; emergency and retaliatory measures against the rebels have been allowed. However, the acceptance of the permission to use modern weapons of mass destruction (nuclear, microbial and chemical weapons) against internal rebels from the fatwa of the jurisprudence is in the aura of ambiguity. Because most of the jurists have forbidden the use of poison, which is considered one of the weakest weapons of mass destruction today, in the war of infidels. Therefore, according to the first method, based on the evidence of sanctity, the use of nuclear weapons in the rebel war is forbidden even in that case. Because its use causes mass killing of Muslim rebels and destruction of living beings and destruction of the environment. Meanwhile, corruption, harm, genocide, and killing other living beings and destroying the human environment are prohibited based on evidence. Therefore, from the point of view of Islamic jurisprudence, it will be forbidden to use these types of weapons in the war of rebels, which will cause damage beyond human imagination.

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